

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF ILLINOIS, SOUTHERN DIVISION

E.S.
5/95
144559

IN THE MATTER OF:

Sauget Area 1, Site G
Sauget, Illinois

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Civ. Action No.

DECLARATION OF SAMUEL F. BORRIES

I, Samuel F. Borries, declare, under penalty of perjury, as follows:

1. I make this declaration in support of the attached Warrant which is sought pursuant to the authority of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §§ 9601 et seq. I base this declaration upon discussions with other government personnel, personal knowledge and observation, and my review of government and other records.

2. I am an On-Scene Coordinator (OSC), employed by Region 5, United States Environmental Protection Agency (U.S. EPA) since October 10, 1992. My primary duties are to respond to emergency or exigent situations to protect human health and the environment from a release or threat of release of hazardous substances. Prior to being an OSC, I was a Remedial Project Manager for Region 5, U.S. EPA. My duty in this position, which I performed from August of 1990 to October of 1992, was to develop and implement long-term remedies at sites containing hazardous substances regulated by CERCLA.

3. I received a B.S. degree in Geology from Eastern Illinois University, Charleston, Illinois, in 1988.

4. Sauget Area 1, Site G is located in the southeastern quadrant of the intersection of Mississippi and Queeny Avenues in Sauget, Illinois (map attached hereto as Exhibit 1).

5. Site G is one of twelve sites that comprise the Sauget Area sites (the sites are divided into the Sauget Area 1 and Area 2 sites). Site G is a partially covered industrial waste landfill approximately 4.5 - 5.0 acres in size. The site is currently fenced with a six foot barbed wire chain link fence. The site is bordered by Dead Creek to the east and is located in the vicinity of residential neighborhoods and industrial areas.

6. I have observed Site G on many occasions over the past year. The surface of Site G is heavily vegetated and littered with demolition debris, metal scrap, general refuse, and deteriorated drums of industrial wastes. Two small pits are located in the northeast and east-central portions of the site. I have observed oily and tar-like wastes, along with scattered corroded drums, in these areas. There is also a mounded area in the western portion of the site containing several corroded drums. A large depression exists in the south-central portion of the site, which is immediately south of the mounded area. Surface runoff in this area flows toward the depression. This depression is at times filled with water and its boundaries extend beyond the fenced boundary of the landfill. Surface

runoff from the site also flows into adjoining Dead Creek, which eventually flows into the Mississippi River.

7. My review of the government file in this matter and my discussions with government personnel familiar with this site indicate that a number of investigations have taken place at Site G. In October of 1984, the Illinois Environmental Protection Agency (IEPA) conducted inspections to determine the scope of contamination and amount of cleanup work necessary at the site. Analytical results of samples taken from the oily pits on-site revealed a variety of organic compounds.

8. In May of 1987, U.S. EPA conducted an emergency response at Site G and collected samples, the results of which indicated that high levels of organic contamination exist in the surficial soils of Site G. As a result, Monsanto Chemical Company, Cerro Copper Products Company and Wiese Engineering, under U.S. EPA supervision, constructed a chain-link fence surrounding Site G.

9. According to the Sauget Fire Department (SFD) fire chief, Site G has caught fire and burned four times since the middle of March 1994. The SFD responded to extinguish the Site G fires on March 18th, 21st, 22nd and June 3rd, 1994. Spontaneous combustion is believed to have caused the fires; however, it has been reported by a local business that smoking materials thrown onto the landfill may have caused the initial fire in 1994. The response action taken by the SFD has been to lay out hoses and pump water onto the landfill. During the June 3rd response, a 2 1/2 inch hose (approximately 250 gallons/minute) was placed on

the landfill and allowed to flow for two days in an effort to prevent future fires. U.S. EPA and IEPA returned to Site G to assess the potential threat to human health and the environment as a result of these fires.

10. U.S. EPA personnel, including myself, collected soil samples at Site G during a May 27, 1994 site assessment. The results of these samples revealed high levels of PCBs (15,000 ppm) and dioxin total equivalence (>137 ppb) within the fenced boundaries of the site. Total equivalence dioxin levels outside fenced boundaries range up to 21 ppb, which exceeds both the recommended clean-up levels of 1.0 ppb and 20 ppb for residential and industrial areas, respectively. Other contaminants include endrin (190 ppm), naphthalene (5,200E ppm), pentachlorophenol (280J ppm), phenanthrene (340J), 4-chloroaniline (1,700 ppm), 2,4,6-trichlorophenol (200J ppm), and n-nitro-so-diphenyl-amine (200J ppm) (soil sample results included in Exhibit 2).

11. U.S. EPA personnel, including myself, collected air samples three days after the June 3rd fire was extinguished by the SFD. Smoldering hot spots were noted during the June 6, 1994 air sample collection. On-site sample data revealed contaminant concentrations of acetone (87 ppb), 2- butanone (30 ppb), benzene (130 ppb), toluene (2.1 ppb), ethylbenzene (3.0 ppb), total xylenes (14 ppb), 1,2,4- trichlorobenzene (35 ppb) (air sample results also included in Exhibit 2).

12. A title search prepared for Site G indicates that Site G is divided into six separate parcels. These parcels are

of land owned, individually, by Cerro Copper Products Company, Wiese Engineering Company, Emily Hankins, Anthony Hankins, Moto Mart, Incorporated, and Queeny Properties, Inc. (parcel breakout map indicating ownership of parcels on Site G attached hereto as Exhibit 3).

13. U.S. EPA must immediately enter and have continued access to Site G, in its entirety, to conduct the following activities to abate conditions on Site G which may present an imminent and substantial threat to human health, welfare and the environment:

- a. Implement a sampling and analytical program designed to identify contaminated material inside and outside of the Site G landfill fenced area;
- b. Provide dust suppression measures for excavated contaminated material to insure contaminated dust does not migrate;
- c. Handle, consolidate, store, remove, and/or treat and dispose of contaminated liquids, soil, and sediment which has migrated off-site and/or still exists on Site G, including any contamination which may have migrated into the adjacent portion of Dead Creek;
- d. Consolidate and/or remove non-hazardous waste and/or brush and debris;
- e. Close/abandon any monitoring wells that interfere with placement of a landfill cover;
- f. Provide appropriate back-fill material as necessary to excavated areas and solidify/stabilize liquids, sludge and sediment as necessary to support overlying cover materials;
- g. Design and engineer any appropriate protective cover for the landfill contents and the consolidated materials placed in the fenced area of Site G complying with identified State and Federal ARARs; and
- h. Implement necessary erosion control measures to prevent cover erosion.

14. U.S. EPA has obtained written consent to enter Site G and to conduct the activities noted in paragraph 13, above from all of the individuals and corporations which own parcels of land within Site G noted in paragraph 12, above, with the exception of Ms. Emily Hankins.

15. Numerous attempts have been made by personnel of U.S. EPA to obtain Ms. Hankins' consent for access to the parcel of land she owns within Site G. Ms. Hankins owns parcel A-4 within Site G, as identified in Exhibit 3.

16. On March 27, 1995, I personally visited Ms. Hankins at her residence located on 3110 Mississippi Avenue in Sauget, Illinois, to attempt to obtain her consent for access to the parcel of land she owns within Site G to conduct the activities noted in paragraph 13, above. At that time, Ms. Hankins refused to give U.S. EPA consent to access to her property on Site G.

17. If U.S. EPA is not allowed expedited access to Site G to stabilize conditions, site conditions can be expected to deteriorate during wet weather events, increasing the threat of a release of hazardous substances that could endanger human health or the environment. Additionally, if stabilization measures are not taken before summer, the risk of fire at the site will again increase, also raising the threat of a release of hazardous substances that could endanger human health or the environment.

Executed this _____ day of May, 1995.

Samuel F. Borries
On-Scene Coordinator
U.S. EPA, Region 5